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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
MARCUS WHITFIELD,)
)
Defendant.)

No. CR 07-0366 VRW

STIPULATION AND ~~PROPOSED~~ ORDER
EXCLUDING TIME
18 U.S.C. §3161(h)(8)(A) & (B)

SAN FRANCISCO VENUE

With the agreement of the parties in open court on October 25, 2007, the Court enters this order excluding time under the Speedy Trial Act from October 25, 2007, to November 29, 2007 for Status/Change of Plea. The parties agree, and the Court finds and holds, as follows:

1. Mr. Whitfield has been charged in a two count indictment for Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. 922 (g)(1). Mr. Whitfield is currently in the custody of the United States Marshall Service.

2. As the Government and the defense attorney advised the Court, the continuance is necessary for effective preparation of counsel, because the parties are negotiating a settlement and

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the continuance is necessary to review the evidence and evaluate the case.

3. Thus, the parties agree, and the Court finds and holds, that failure to grant a continuance would unreasonable deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). Finally, the parties agree, and the Court finds, that the ends of justice served by excluding the period from October 25, 2007, to November 29, 2007, outweigh the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(A).

10. Accordingly, the Court sets a new hearing date on November 29, 2007, and orders that the period from October 25, 2007, to November 29, 2007, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: October 26, 2007

/s/
TAMARA WEBER
Special Assistant United States Attorney

DATED: October 26, 2007

/s/
Geoffrey A. Hansen
Chief Assistant Federal Public Defender

IT IS SO ORDERED. The time from October 25, 2007 to November 29, 2007 shall be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), as the ends of justice outweigh the interest of the public and the Defendant in a speedy trial. The parties shall appear on November 29, 2007 at 1:30 p.m. for Status/Change of Plea.

DATED: 10/31/2007

VAUGHN R. WALKER
United States District Chief Judge

